

R-HA STANDARDS

Sec. 22.33

500 square feet of lot area per structured parking space shall be deducted from the minimum lot area for any building that provides structured parking on-site, either within the building or in a detached underground parking structure.

- (3) Minimum Lot Width
100 feet
- (4) Minimum Front Setback
30 feet
- (5) Minimum Side Setback
10 feet (20 feet if the parcel abuts an R-L zoned parcel)
- (6) Minimum Street Side Setback
25 feet
- (7) Minimum Rear Setback
30 feet
- (8) Maximum Building Height
35 feet or three stories; whichever is less
- (9) Maximum Lot Area Coverage
35%
- (10) No single wall that is part of a dwelling structure in this district may be greater than 80 feet in length without an offset of ten or more feet or an angle of 22.5 degrees or more extending at least 14 feet.

22.35

R-HA DISTRICT

The R-HA District is applied to limited areas within the City of Fitchburg that developed or were committed as to usage under pre-1986 R-4 zoning standards to levels of intensity or within dimensional standards that would not be allowed for new construction under the R-H District herein.

Within this R-HA District, the rules of the former R-4 District, apply to govern development in the case of vacant-but-committed parcels or to govern continued occupancy and/or rebuilding in the case of damage or destruction of the existing structures. Map designations shall indicate whether former R-4 zoning would so apply.

buildings are permitted but are limited to barns, sheds, silos and the like that are necessary to an agricultural use.

(2) *Height.* No building or structure shall be erected, nor shall any existing building or structure be removed, reconditioned, added to or structurally altered to exceed in height the limit established by this ordinance for the district in which that building or structure is located.

(3) *Percentage of lot occupancy.* No building or structure shall hereafter be erected, nor shall any existing building be moved, altered, enlarged or rebuilt, nor shall any open spaces surrounding any building or structure be encroached upon or reduced in any manner, nor shall a greater percentage of lot be occupied, except in conformity to the building site requirements and the area and yard regulations established by this ordinance, for the district in which such building is located.

(4) *Density of population.* No building, structure or premises shall be erected, occupied or used so as to provide a greater density of population than is allowed by the terms of this ordinance for the district in which such building, structure or premises is located.

(5) *Open space limitations.* No yard or other open space provided about any building or structure for the purpose of complying with the regulations of this ordinance shall be considered as providing yard or open space for any other building or structure. No lot area shall be so reduced or diminished that the yard or other space shall be smaller than prescribed by this chapter.

Section 10.05 R-1 Residence District.

(1) *Permitted uses.*

(a) Single family detached dwellings.

(b) Utility services.

(c) Home occupations, as defined in Section 10.01(25).

(d) Uses and buildings, clearly incidental and necessary to permit use on the premises.

(e) Community living arrangements for less than nine (9) persons.

(f) Foster homes for less than five (5) children licensed under Section 48.62, Wis Stats.

(2) *Conditional uses permitted in the R-1 Residence District.*

(a) Day-care centers.

(b) Community living arrangements for nine (9) or more persons.

(c) Cemeteries.

(d) Governmental uses.

(e) Private club houses and fraternity houses except when service is provided to the general public.

(f) Religious uses.

(3) *Building height limit.*

(a) For residential dwelling two and one-half (2-1/2) stories or 35 feet.

(b) Accessory buildings shall not exceed 12 feet in height.

(4) *Lot width and area.*

(a) Unsewered lots shall be not less than 100 feet in width at the building setback line and have an area of not less than 20,000 square feet.

(b) Sewered lots shall be not less than 100 feet in width at the building setback line and have an area of not less than 15,000 square feet.

(5) *Lot coverage.* No building together with its accessory buildings shall occupy in excess of 30 percent (30%) of the area of an interior lot or 35 percent (35%) of the area of a corner lot.

(6) *Setback requirements.* Setback from front lot line or highway right-of-way lines shall conform to the requirements of Section 10.17.

(7) *Side yard requirements.* There shall be total side yards of not less than 25 feet and no single side yard shall be less than 10 feet.

(8) *Rear yard requirements.* The minimum depth of any rear yard shall be 50 feet.

Section 10.06 R-2 Residence District.

(1) *Permitted uses.* All uses permitted in the R-1 Residence District.

*Accessory
use
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(2) *Conditional uses* permitted in the R-2 Residence District. All conditional uses permitted in the R-1 Residence District.

(3) *Building height limit.*

(a) Residential dwelling, two and one-half (2-1/2) stories or 35 feet.

(b) Accessory buildings shall not exceed 12 feet in height.

(4) *Lot width area.*

(a) Unsewered lots shall be not less than 100 feet in width at the building setback line and have an area of not less than 20,000 square feet.

(b) Sewered lots shall be not less than 75 feet in width at the building setback line and have an area of not less than 10,000 square feet.

(5) *Lot coverage.* No building together with its accessory building shall occupy in excess of 35 percent (35%) of the area of an interior lot or 40 percent (40%) of the area of a corner lot.

(6) *Setback requirements.* Setback from front lot line or highway right-of-way lines shall conform to the requirements of Section 10.17.

(7) *Side yard requirements.* The minimum width of any side yard shall be 10 feet.

(8) *Rear yard requirements.* The minimum depth of any rear yard shall be 35 feet.

Section 10.07 R-3 Residence District.

(1) *Permitted uses.* All uses permitted in the R-1 Residence District.

(2) *Conditional uses* permitted in the R-3 Residence District. All conditional uses permitted in the R-1 Resident District.

(3) *Building height limit.*

(a) For residential buildings two and one-half (2-1/2) stories or 35 feet.

(b) Accessory buildings shall not exceed 12 feet in height.

(4) *Lot width and area.*

(a) Unsewered lots shall be not less than 100 feet in width at the building setback line

and have an area of not less than 20,000 square feet.

(b) Sewered lots shall be not less than 60 feet in width at the building setback line and have an area of not less than 8,000 square feet.

(5) *Lot coverage.* No building together with its accessory building shall occupy in excess of 35 percent (35%) of the area of an interior lot or 40 percent (40%) of the area of a corner lot.

(6) *Setback requirements.* Setback from lot line or highway right-of-way line shall conform to the provisions of Section 10.17.

(7) *Side yard requirements.* The minimum width of any side yard shall be 10 feet.

(8) *Rear yard requirements.* The minimum depth of any rear yard shall be 25 feet.

Section 10.071 R-3A Residence District.

(1) *Permitted uses.*

(a) All uses permitted in the R-1 Residence District.

(b) Duplexes.

(2) *Conditional uses* permitted in the R-3A Residence District. All conditional uses permitted in the R-1 Residence District.

(3) *Building height limit.*

(a) Residential dwellings, two and one-half (2-1/2) stories or 35 feet.

(b) Accessory buildings shall not exceed 12 feet in height.

(4) *Lot width and area.*

(a) Unsewered lots for both single family and duplex dwellings shall be not less than 100 feet in width at the building setback line and have an area of not less than 20,000 square feet.

(b) Sewered lots for single family dwellings shall be not less than 60 feet in width at the building setback line and have an area of not less than 8,000 square feet.

(c) Sewered lots for duplex dwellings shall be not less than 75 feet in width at the building setback line and have an area of not less than 10,000 square feet.

(5) *Lot coverage.* No building together with its accessory building shall occupy in excess of 30 percent (30%) of the area of an interior lot or 35 percent (35%) of the area of a corner lot.

(6) *Setback requirements.* Setback from front lot line or highway right-of-way line shall conform to the requirements of Section 10.17.

(7) *Side yard requirements.* The minimum width of any side yard shall be 10 feet.

(8) *Rear yard requirements.*

(a) For single family dwellings, the minimum depth of any rear yard shall be 25 feet.

(b) For duplex dwellings, the minimum depth of any rear yard shall be 35 feet.

(9) *Off-street parking.* For duplex dwelling units, off-street parking shall be provided as required in Section 10.18.

Section 10.08 R-4 Residence District.

(1) *Permitted uses.*

(a) All uses permitted in the R-3A Residence District.

(b) Multiple family dwellings, condominiums.

(c) Community living arrangements for from nine (9) to fifteen (15) persons.

(2) *Conditional uses* permitted in the R-4 Residence District.

(a) All conditional uses permitted in the R-1 Residence District, except community living arrangements for from nine (9) to fifteen (15) persons.

(b) Nursing homes, extended care facilities, hospitals, medical clinics, veterinary clinics, professional offices, community living arrangements for more than fifteen (15) persons.

(c) Mobile home parks subject to special conditions as provided for in 10.08(10).

(3) *Building height limit.*

(a) Single family and duplex dwellings, two and one-half (2-1/2) stories or 35 feet.

(b) Multiple family dwellings, 4 stories.

(c) Accessory buildings shall not exceed twelve (12) feet in height.

(4) *Lot width and area.*

(a) Unsewered lots for single family, duplex dwellings and multiple family dwellings shall be not less than 100 feet in width at the building setback line and have an area of not less than 20,000 square feet.

(b) Sewered lots.

1. Lots for single family and duplex dwelling units shall be the same as the R-3A Residence District.

2. Lots for multiple family dwellings shall be not less than 60 feet in width at the building setback line and have an area of not less than 8,000 square feet.

(5) *Lot area and coverage.*

(a) For single family and duplex dwellings the lot coverage shall be the same as for the R-3A Residence District.

(b) Unsewered lots for multiple family dwellings shall provide a minimum of 5,000 square feet of lot area for each dwelling unit.

(c) Sewered lots for multiple family dwellings shall provide a minimum of 2,000 square feet of lot area for each efficiency, one bedroom, and two bedroom dwelling unit and a minimum of 2,250 square feet of lot area for each three bedroom or more dwelling units. If a building contains a mixture of efficiency, one and two bedroom and three or more bedroom dwelling units the lot area requirements shall be prorated. In computing lot areas for multiple family dwelling complexes, private roads, driveways, parking areas, recreational areas common to all of the buildings in the complex shall be considered as part of the total area of the complex.

(6) *Setback requirements.*

(a) Setback from front lot line or highway right-of-way line shall conform to the requirements of Section 10.17.

(b) Private roads or driveways within a multiple family dwelling complex shall not be considered a street for determining setback.

(7) *Side yard requirements.*

(a) For single family and duplex buildings the side yard shall be the same as for the R-3A Residence District.

(b) For multiple family apartment and apartment condominium buildings not exceeding 2 stories in height, 10 feet on each

side. For buildings exceeding 2 stories, the side yards shall be increased by 10 feet on each side for each full story over 2.

(c) For apartment house complexes, where each building is not on a separate parcel of land, the minimum distance between buildings shall be the sum of the side yard which would be required if the buildings were on separately described parcels of land.

(8) Rear yard.

(a) For single family dwellings and duplex buildings the rear yards shall be the same as for the R-3A Residence District.

(b) For multiple family dwellings not exceeding 2 stories the rear yard shall be not less than 25 feet. For buildings exceeding 2 stories, the rear yard shall be increased by 10 feet for each full story over 2 stories.

(9) Off-street parking. Off-street parking shall be provided as required in Section 10.18.

(10) Mobile home parks.

(a) Mobile home parks are also subject to the provisions of Chapter H-77 of the Wis. Adm. Code and the more restrictive regulations shall apply.

(b) Each space or lot for the accommodation of a single mobile home shall contain not less than 3,000 square feet of area.

(c) There shall be at least 30 feet of spacing between mobile homes and no mobile home shall be less than 30 feet from any building in a park.

(d) Mobile homes shall not be located closer to a public road than provided for in Section 10.17 of this ordinance.

(e) Each space or lot shall provide not less than two (2) off-street parking spaces.

(f) Each lot shall be landscaped with at least one fast growing tree of at least two (2) inches in diameter at ground level and two bushes or shrubs of at least three (3) feet in height.

This requirement may be waived by the committee, if at the time of the application for a Conditional Use Permit, a landscaping plan is submitted that utilizes topography, plantings of trees or shrubs and/or decorative fencing to provide a degree of privacy between lots.

(g) Each mobile home park shall provide a park and recreation area of at least 1/2 acre

for each 50 or fraction of 50 lots in the park. The park and recreation area shall be located to provide easy access for all residents in the park. Additionally, the area shall be well drained to provide a clean and safe area for children to play and shall be equipped with a sufficient amount of playground equipment to accommodate the children living in the park.

(h) All interior roads and streets of a mobile home park shall conform to the standards for platted roads and streets as provided for in Chapter 28, of the Dane County Land Division and Subdivision ordinance and shall be paved in accordance with the paving standards of the township in which the park is located.

(i) Coincidental with an application for a Conditional Use Permit for a mobile home park, a preliminary map of the park shall be submitted, showing the proposed lot delineations, location of streets, access points to public roads, location of proposed buildings, park and recreational areas. A landscaping plan may also be submitted as provided for in 10.08(9)(f).

(j) Upon the approval and before the issuance of a Conditional Use Permit for a mobile home park, the owner shall furnish to Dane County six (6) copies of a map drawn to scale of the park showing the location of all interior roads, adjacent or abutting roads and points of access. Lots shall be clearly delineated and numbers assigned to each lot in sequence beginning with number 1.

Section 10.09 RH-1 Rural Homes District.

(1) Permitted uses.

(a) All uses permitted in the R-1 Residence District.

(b) Agricultural uses, the number of livestock kept on a zoning lot in the RH-1 District shall not exceed one animal unit for each full acre.

(c) Home occupations, as defined in 10.126(1)(f).

(d) Utility services.

(e) Uses and buildings clearly incidental and necessary to a permitted use on the premises.

(2) Conditional uses permitted in the RH-1 Rural Homes District.

2. On interior lots less than 60 feet in width no accessory building shall be erected, moved or added to so as to be nearer than two and one-half (2-1/2) feet to a side or rear lot line. Provided, however, if the front building line of any accessory building is located closer than 10 feet from the rear building line of a residence, the same side and rear yards as required for a principal or residential building shall be maintained.

3. On interior lots abutting on two (2) streets, or corner lots abutting on three (3) streets, no accessory building shall be erected, moved or added to so as to be nearer the rear street than the setback for that street. This provision shall not apply to alleys.

4. On corner lots abutting on two (2) streets, no accessory building shall be erected, moved or added to so as to be nearer to the side street than the distance required for the main building on that street; provided, however, that for garages with entrances facing the side street the minimum distance from such side street shall be 20 feet. When the rear lot line of the corner lot forms the side line of an adjoining or abutting lot no accessory building shall be erected, moved or added to so as to be nearer such rear lot line than the side line required for the building on the adjoining lot.

(b) Permitted obstructions in a required rear yard.

1. Steps or stoops to provide access to a building that is not more than three (3) feet above ground level and which do not extend more than four (4) feet into a required rear yard.

2. One story bay windows projecting three (3) feet or less into the yard provided that such windows do not occupy, in the aggregate, more than one-third (1/3) of the rear wall of the building.

3. Uncovered decks and porches that are supported by piers or posts may extend into any required rear yard by not more than twelve (12) feet.

4. Uncovered swimming pools both above and below ground provided that they be lo-

cated not closer than 10 feet from any lot line.

5. Free standing solar collectors provided that they be located not closer than 3 feet from any lot line and not exceeding 12 feet in height.

(6a) Provisions applicable to all yards.

(a) No existing building, erected prior to the adoption of this ordinance, which projects into a required yard shall be moved, structurally altered or added to so as to increase that part of the building projections into the required yard. This provision shall not be construed to prohibit additions or alterations which conform to the setback requirements.

(b) Roof overhangs, soffits and awnings that are not supported to the ground may extend into any required yard by not more than three (3) feet.

(7) *Screening.* Screening shall consist of either a planted evergreen screen at least six (6) feet in width and initially landscaped with four (4) foot tall evergreen shrubs to ultimately form a continuous hedge not less than five (5) feet in height and maintained with healthy shrubs, or a decorative wall or fence without signs and impervious to sight not less than six (6) feet nor more than eight (8) feet in height shall be maintained along the interior boundaries of any lot in the B-1, C-1, C-2, LC-1, LC-2 or M-1 Districts that are adjacent to land in the residence district to a point 15 feet from the street right-of-way.

Section 10.17 Setback regulations.

For the purpose of determining the distance, buildings and other structures shall be setback from streets and highways, the streets and highways in Dane County are divided into the following classes:

(1) Class A highways.

(a) All state and federal highways are hereby classified class A highways.

(b) The setback line for a class A highway shall be 100 feet from the centerline of the highway right-of-way or 42 feet from the right-of-way line, whichever is greater.

(c) Service roads to class A highways a distance of 100 feet from the centerline of said highways shall be considered class C, D or E highways for the purpose of determining the setback along said service roads.

(2) Class B highways.

(a) All county trunks except as otherwise provided, are hereby designated class B highways. For the purpose of this ordinance any road will be considered as a county trunk after it has been placed on the county trunk system by the county board and approved by the state highway commission.

(b) The setback from class B highways shall be 75 feet from the centerline of any highway right-of-way or 42 feet from the right-of-way, whichever is greater.

(3) Class C highways.

(a) All town roads not included within the boundaries of a recorded subdivision or plat, are hereby designated class C highways.

(b) The setback from class C highways shall be 63 feet from the centerline of such highway right-of-way or 30 feet from the right-of-way line, whichever is greater; provided, however, that in the case of a service road, contiguous to the right-of-way of a main highway, where buildings can be built on only one (1) side of such service road, the minimum setback shall be 30 feet, regardless of the width of such service road; and provided, further, that if such service road shall be a street in a platted subdivision, then the setback provisions governing such platted street shall apply.

(4) Class D highways.

(a) Roads and streets in subdivisions platted prior to the adoption of this ordinance, except those designated class A or class B highways, are hereby designated as class D highways.

(b) For all class D highways setback lines are hereby established, parallel to and distant 20 feet from the right-of-way line or front lot line.

(5) Class E highways.

(a) All streets, highways and roads not otherwise classified are hereby designated class E highways.

(b) For all class E highways setback lines are hereby established, parallel to and distant 30 feet from the right-of-way or front lot line.

Section 10.18 Off-street parking.

(1) *An off-street parking space* shall be not less than eight (8) feet in width, if parallel to a curb or building, and not less than nine (9) feet in width if angle parking is provided, and in no case shall any space be less than 19 feet in length. (Copies of recommended design standards are available at the Dane County Zoning Department.) Parking spaces may be provided in either an open or enclosed area and shall be provided with adequate ingress or egress from a public street or road.

(2) *No building* for which off-street parking space is required may be added to, structurally altered or converted in use so as to encroach upon or reduce the parking space below the required minimum.

(3) *No parking spaces* required under this ordinance may be used for any other purposes; provided, however, that open spaces required by this ordinance for setback and side yards may be used for such parking spaces and approaches thereto.

(4) Parking space required.

(a) In the local business, commercial and light manufacturing and industrial districts, in addition to other parking spaces herein required, there shall be provided adequate off-street parking for the loading and unloading of trucks and other commercial vehicles and for the vehicles of employed personnel.

(b) Duplexes shall provide two (2) off-street parking spaces; multiple family dwellings, apartment houses and apartment house complexes shall provide two (2) off-street parking spaces for each dwelling unit.

(c) Establishments offering curb service or services to customers who remain in the vehicle shall provide adequate space to accommodate all vehicles to be so serviced.

X (d) Except for banks, office buildings and clinics, retail or local places of business shall provide one (1) parking space for each three hundred (300) square feet of floor space devoted to retail sales. Banks, office buildings and clinics shall provide one such space for each three hundred (300) square feet of floor area.

(e) Buildings combining business and residential uses shall provide one (1) parking space for each 200 square feet of area devoted to business uses, plus two (2) parking spaces for each dwelling unit.

(f) Theaters, churches, auditoriums, lodges or fraternity halls and similar places of public assemblage shall provide one (1) parking space for each seven (7) seats. Outdoor theaters shall provide sufficient off-street parking for overflow parking.

(g) Hotels, lodging houses and dormitories shall provide one (1) parking space for each three (3) guest rooms.

X (h) Restaurants, taverns and the like, except curb service establishments, shall provide one (1) parking space for each 50 square feet of space devoted to the use of patrons.

(i) Funeral parlors and mortuaries shall provide one (1) parking space for each 50 square feet of floor space devoted to parlors.

(j) Bowling alleys shall provide five (5) parking spaces for each alley.

(k) Garages and service stations shall provide adequate parking space for vehicles waiting to be serviced or repaired.

(l) Motels shall provide one (1) parking

space for each lodging room plus one (1) space for each dwelling unit.

Section 10.19 (Reserved for future use.)

Section 10.20 Junkyards

(1) *Use.* For purposes of this ordinance, any premises used for the storage, gathering or sale of junk, as defined in this chapter, is a junkyard. A junkyard need not have a commercial purpose.

(a) Junk, as defined under this chapter, may be stored on any premises on which a permitted business enterprise is actually conducted, provided, that all such junk is actually used in the conduct of such permitted business enterprise, and that all such junk is at all times stored in an enclosed building on the premises, thereby securing it from public view.

(b) Junk, as defined in this chapter, may be stored on any premises used chiefly for residential purposes, provided that it is stored solely for eventual use on the premises, and that all such junk is at all times stored in an enclosed building thereby securing it from public view.

(2) *Location and boundaries.*

(a) No junkyard shall be located within two hundred (200) feet of the boundary of a residential, rural homes or local business district, and no operation in connection with such junkyard shall be carried on within one hundred fifty (150) feet of any street, road or highway.

(b) A junk and salvage yard shall meet the minimum standards provided in NR 51, State of Wisconsin Solid Waste Disposal Standards, Department of Natural Resources, Division of Environmental Protection.

(3) *License.*

(a) Before any premises may be used as a junkyard, it shall be licensed. Application for such license shall be made to the zoning administrator, setting forth the description